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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,897	04/04/2001	Tracy D. Mallory	42138/RJP/E264	3727
23363	7590	07/15/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068				EL CHANTI, HUSSEIN A
ART UNIT		PAPER NUMBER		
2157				

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/825,897	MALLORY, TRACY D.	
	Examiner	Art Unit	
	Hussein A El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 April 2001.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/02</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. This action is responsive to application filed on April 14, 2004. Claims 1-8 are pending examination.

### ***Specification***

2. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.
3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Haddock et al., U.S. Patent No. 6,678,248 (referred to hereafter as Haddock).

As to claim 1, Haddock teaches a method of enhancing network transmission between stations on a priority-enabled frame-based communications network, the

communications network having multiple transmit priorities and transmitting frames such that a network access time to transmit a frame of a lower transmit priority is longer than a network access time to transmit a frame of a higher transmit priority, the number of transmit priorities being fixed and all stations being capable of transmitting frames at any transmit priority, for each station the method comprising:

establishing an initial transmit priority for each frame to be transmitted (see col. 2 lines 35-50);

maintaining a set of initial transmit priorities assigned to frames transmitted on the communications network (see col. 2 lines 35-50);

establishing a set of final transmit priorities containing highest possible priorities, one final transmit priority being associated with each member of the set of initial transmit priorities, such that a highest initial transmit priority is assigned to a highest possible priority, a next highest initial transmit priority is assigned to a next highest possible priority, and so forth (see col. 2 lines 35-67); and

transmitting ordered frames onto the communications network, each frame using a final transmit priority associated with the initial transmit priority established for the each frame (see col. 2 lines 35-col. 3 lines 10).

As to claim 2, Haddock teaches the method of claim 1 wherein the step of maintaining a set of initial transmit priorities includes receiving and determining link layer priorities broadcast from other stations on the communications network and

converting the link layer priorities into transmit priorities (see col. 2 lines 35-col. 3 lines 10).

As to claim 3, Haddock teaches the method of claim 2, wherein the link layer priorities broadcast from other stations on the communications network are received in control frames broadcast by the other stations (see col. 9 lines 30-col. 10).

As to claim 4, Haddock teaches the method of claim 3, wherein the link layer priorities are broadcast in accordance with a capabilities and status announcement protocol in which each station periodically broadcasts to all other stations capabilities and status announcements sent in control frames having status flags, the stations receiving the control frames making operational decisions based upon the status flags without further interaction amongst the stations on the communications network (see col. 9 lines 30-col. 10).

As to claim 5, Haddock teaches a method of enhancing network transmission between stations on a priority-enabled frame-based communications network, the communications network having multiple link layer priorities and multiple transmit priorities and transmitting frames such that a network access time to transmit a frame of a lower transmit priority is longer than a network access time to transmit a frame of a higher transmit priority, the number of transmit priorities being fixed and all stations being capable of transmitting frames at any transmit priority, for each station the method comprising: establishing an initial transmit priority for each frame to be transmitted; maintaining a set of initial transmit priorities assigned to frames transmitted on the

communications network by receiving and determining link layer priorities broadcast from other stations on the communications network and converting the link layer priorities into transmit priorities, the link layer priorities being broadcast from other stations on the communications network being received in control frames broadcast by the other stations in accordance with a capabilities and status announcement protocol in which each station periodically broadcasts to all other stations capabilities and status announcements sent in control frames having status flags, the stations receiving the control frames making operational decisions based upon the status flags without further interaction amongst the stations on the communications network; establishing a set of final transmit priorities containing highest possible priorities, one final transmit priority being associated with each member of the set of initial transmit priorities, such that a highest initial transmit priority is assigned to a highest possible priority, a next highest initial transmit priority is assigned to a next highest possible priority, and so forth; and transmitting ordered frames onto the communications network using a final transmit priority associated with the initial transmit priority established for the ordered frames (see col. 2 lines 35-col. 3 lines 10).

As to claim 6, Haddock teaches a method of enhancing network transmission between stations on a priority-enabled frame-based communications network, the communications network supporting a set of multiple transmit priorities, each transmit priority being assigned a set of parameters controlling the network access function, the parameters being chosen from a variable parameter set, and stations transmitting frames using assigned parameter sets such that a network access time to transmit a

frame of a lower transmit priority may be longer than a network access time to transmit a frame of a higher transmit priority, all stations being capable of transmitting frames of any transmit priority, and a set of transmit priorities used for frames transmitted during an interval of time being not necessarily equal to the set of multiple transmit priorities supported by the frame-based communications network, for each station the method comprising: establishing a transmit priority for each frame to be transmitted; determining a set of transmit priorities assigned to a set of frames which have been transmitted on the frame-based communications network during a past interval of time by a set of all nodes of the network; establishing a transmit parameter set for each transmit priority, one transmit parameter set being associated with each member of the set of transmit priorities, such that a highest transmit priority within the set of transmit priorities is assigned to a best transmit parameter set, a next highest transmit priority within the set of transmit priorities is assigned to a next best transmit parameter set, and so forth, such that a transmit parameter set established for a given transmit priority is the same or better than a transmit parameter set established for a priority when the set of transmit priorities used during a past interval contains all possible priorities; and transmitting ordered frames onto the frame-based communications network for each frame using a transmit parameter set associated with a transmit priority established for the frame (see col. 2 lines 35-col. 3 lines 10).

As to claim 7, Haddock teaches the method of claim 6, wherein the set of transmit parameters associated with a transmit priority includes a value assigned to

identify a physical layer priority to used for transmitting a frame onto the frame-based communications network (see col. 2 lines 35-col. 3 lines 10).

As to claim 8, the method of claim 6, wherein the set of transmit parameters associated with a transmit priority includes a duration of a pre-transmission access delay, wherein, upon determination that the frame-based communications network is available for a new frame transmission, a station waiting to transmit a frame with a lower priority will wait longer than a station waiting to transmit a frame with a higher priority (see col. 2 lines 35-col. 3 lines 10).

**5.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Source Routing For Connection Oriented Network With Repeated Call Attempts For Satisfying User-Specified QOS Parameters by Iwata, U.S. Patent No. 5,933,425.
- System For Bypassing A Server To Achieve Higher Throughput Between Data Network And Data Storage System by Hu, U.S. Patent No. 6,757,291.

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

July 1, 2004



SALEH NAJJAR  
PRIMARY EXAMINER